

# HOUSE BILL No. 1121

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2-48.5; IC 31-9-2-77; IC 31-17-5.

**Synopsis:** Grandparent visitation. Expands grandparent visitation rights to allow a grandparent to petition a court for visitation rights with a grandchild regardless of the marital status of the child's parents or whether the child's parents are living. (Current law provides that a grandparent may only petition for grandparent visitation rights with a child if: (1) the child's parent is deceased; (2) the marriage of the child's parents has been dissolved; or (3) the child was born out of wedlock.) Retains the statutory provision that prohibits a paternal grandparent from seeking grandparent visitation rights with a child who is born out of wedlock if the child's father has not established paternity of the child.

**Effective:** Upon passage.

**Duncan**

January 6, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1121

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-9-2-48.5, AS ADDED IS ADDED TO THE  
2 INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 48.5. "Grandparent", for**  
4 **purposes of IC 31-17-5, includes:**

- 5 (1) the adoptive parent of the child's parent;  
6 (2) the parent of the child's adoptive parent; and  
7 (3) the parent of the child's parent.

8 SECTION 2. IC 31-17-5-1, AS ADDED BY P.L.1-1997, SECTION  
9 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
10 PASSAGE]: Sec. 1. (a) **Except as provided in subsection (b),** a child's  
11 grandparent may ~~seek~~ **petition a court for** visitation rights **with the**  
12 **child. if**

- 13 (1) the child's parent is deceased;  
14 (2) the marriage of the child's parents has been dissolved in  
15 Indiana; or  
16 (3) subject to subsection (b); the child was born out of wedlock.  
17 (b) A court may not grant visitation rights to a paternal grandparent



of a child who is born out of wedlock ~~under subsection (a)(3)~~ if the child's father has not established paternity in relation to the child.

SECTION 3. IC 31-17-5-3, AS ADDED BY P.L.1-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A proceeding for grandparent's visitation must be commenced by the filing of a petition entitled, "In Re the visitation of \_\_\_\_\_". The petition must:

- (1) be filed by a grandparent entitled to receive visitation rights under this chapter;
- (2) be verified; and
- (3) set forth the following:
  - (A) The names and relationship of:
    - (i) the petitioning grandparent or grandparents;
    - (ii) each child with whom visitation is sought; and
    - (iii) the custodial parent or guardian of each child.
  - (B) The present address of each person named in clause (A).
  - (C) The date of birth of each child with whom visitation is sought.
  - ~~(D) The status under section 1 of this chapter upon which the grandparent seeks visitation.~~
  - ~~(E)~~ **(D)** The relief sought.

SECTION 4. IC 31-17-5-4, AS ADDED BY P.L.1-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A grandparent seeking visitation rights shall file a petition requesting reasonable visitation rights:

- (1) in a circuit or superior court of the county in which the child resides; ~~in a case described in section 1(a)(1), 1(a)(3), or 10 of this chapter;~~ or
- (2) in the court having jurisdiction over the dissolution of the parents' marriage, ~~in a case described in section 1(a)(2) of this chapter.~~ **if the marriage of the child's parents has been dissolved in Indiana.**

SECTION 5. IC 31-17-5-10, AS ADDED BY P.L.1-1997, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the marriage of the child's parents has been dissolved in another state, the child's ~~maternal or paternal~~ grandparent may seek visitation rights if:

- (1) the custody decree entered in the action for dissolution of marriage does not bind the grandparent under IC 31-17-3-12; and
- (2) an Indiana court would have jurisdiction under IC 31-17-3-3



1 or IC 31-17-3-14 to grant visitation rights to the grandparent in  
2 a modification decree.  
3 SECTION 6. IC 31-9-2-77 IS REPEALED [EFFECTIVE UPON  
4 PASSAGE].  
5 SECTION 7. **An emergency is declared for this act.**

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